#507

BILL NO. Z-92-04-08

ZONING MAP ORDINANCE NO. Z-03-92

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. O-19.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Parcel 1: A twenty foot alley, being parallel to and adjacent to Lots Numbered 1, 2, 3 and 29 and 30 in Squire's Second Addition, being more particularly described as follows:

Beginning at the Northeast corner of Lot Numbered 1 in Squire's Second Addition; thence North along the West line of Anthony Boulevard, a distance of 20 feet to the Southeast corner of Lot Numbered 30 in Squire's Second Addition; thence West along the South line of Lot numbered 29 and Lot Numbered 30 in Squire's Second Addition, a distance of 250 feet to a point on the East line of Lillie Street, said point being the Southwest corner of Lot Numbered 29; thence South along the East line of Lillie Street, a distance of 20 feet to the Northwest corner of Lot Numbered 3 in Squire's Second Addition; thence East along the North line of Lot Numbered 1, Lot Numbered 2 and Lot Numbered 3 in Squire's Second Addition, a distance of 250 feet to the point of beginning, containing 0.115 acres.

Parcel 2: The South 25 feet of Lot Numbered 29 and the South 25 feet of Lot Numbered 30 in Squire's Second Addition, as recorded in Plat Book 18, page 6, as recorded in the plat thereof, in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. O-19, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles R Edmonds
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds, seconded by ~~_____~~, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and ~~Public~~ Hearing to be held after due legal notice, at the Common ~~Council~~ Conference Room 128, ~~City~~ County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M., E.S.T.

DATED: 4-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by ~~_____~~, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BRADBURY	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			
TALARICO				

DATED: 5-26-92.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ ~~(SPECIAL)~~ (ZONING) ORDINANCE ~~RESOLUTION~~ NO. 2-03-92 on the 26th day of May, 19 92

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 19 92, at the hour of 3:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of May, 19 92, at the hour of 11:30 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

GENERAL FORM NO. 352

RECEIPT

№ 10896

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 3/19 1992

RECEIVED FROM St. Mary's Realty $100.00

THE SUM OF one hundred + 00/100 DOLLARS

ON ACCOUNT OF 1713 E. Paulding rezoning

5730 S. Anthony

2382

PAID BY: CASH ☐ CHECK ☑ M.O. ☐

AUTHORIZED SIGNATURE

Map 0-19

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 10896

THIS IS TO BE FILED IN DUPLICATE

DATE FILED March 19, 1992

INTENDED USE _____

We, HALL DRIVE-INS, INC., CHRISTOS TOSKOS and LIUNA LOCAL 213, INC., do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R-3 District to a B1A B District the property described as follows:

Parcel 1: A twenty foot alley, being parallel to and adjacent to Lots Numbered 1, 2, 3 and 29 and 30 in Squire's Second Addition, being more particularly described as follows:

Beginning at the Northeast corner of Lot Numbered 1 in Squire's Second Addition; thence North along the West line of Anthony Boulevard, a distance of 20 feet to the Southeast corner of Lot Numbered 30 in Squire's Second Addition; thence West along the South line of Lot Numbered 29 and Lot Numbered 30 in Squire's Second Addition, a distance of 250 feet to a point on the East line of Lillie Street, said point being the Southwest corner of Lot Numbered 29; thence South along the East line of Lillie Street, a distance of 20 feet to the Northwest corner of Lot Numbered 3 in Squire's Second Addition; thence East along the North line of Lot Numbered 1, Lot Numbered 2 and Lot Numbered 3 in Squire's Second Addition, a distance of 250 feet to the point of beginning, containing 0.115 acres.

Parcel 2: The South 25 feet of Lot Numbered 29 and the South 25 feet of Lot Numbered 30 in Squire's Second Addition, as recorded in Plat Book 18, page 6, as recorded in the plat thereof, in the Office of the Recorder of Allen County, Indiana.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 5730 South Anthony Boulevard, 1713 East Paulding Road.

_____

(General Description for Planning Staff Use Only)

We, the undersigned, certify that we are the owners of fifty-one percentum (51%) or more of the property described in this petition.

Hall Drive-Ins, Inc. 216 East U.S. Highway 30 Don Hall II

Christos Toskos, 1713 East Paulding Road Christos Toskos

LIUNA, Local 213, Inc., 503 West Wayne Street Sharon Lowenstein Agent

(Signature) For LIUNA Local 213, Inc.

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferred continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published, the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

Daniel E. Serban, 1900 Lincoln Tower, Fort Wayne, Indiana 46802, 423-1430

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1992 the City Plan Commission which proposed ordinance was designated Bill No. Z-92-04-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1992.

Certified and signed this
29th day of April 1992.

Robert Hutner
Secretary

FACT SHEET

Z-92-04-08
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment
From R-3 to B-1-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
5730 So Anthony Bl & 1713 E Paulding Rd

Reason for Project
Future development and construction of a Walgreen's Drug Store.

Discussion (Including relationship to other Council actions)

20 April 1992 - Public Hearing

See Attached Minutes for Hearing

27 April 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Hall's Drive Ins Inc **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 19 March 1992

Projected Completion or Occupancy — Date 29 April 1992

Fact Sheet Prepared by — Date 29 April 1992
Patricia Biancaniello

Reviewed by — Date 29 APRIL 1992

Reference or Case Number

Bill No. G-92-04-11 - Vacation Petition #508
The first east-west alley north of Paulding Road, running west off of Anthony Blvd. And a north-south utility easement that runs to the alley.

5. Public Hearing on a Zoning Map Amendments

a. Bill No. Z-92-04-08 - Change of Zone #507
From R-3 to B-1-B
5730 So Anthony Bl & 1713 Paulding Rd

Dan Serban, attorney for the petitioners appeared before the Commission for Vacation Petition #508 as well as Change of Zone #507. Mr. Serban stated that he would speak to both issues jointly. Mr. Serban stated that he was representing St. Mary's Realty who is the purchaser of the property, and the property owners abutting the alley. He stated that they hope to develop the property, if the alley is vacated and the rezoning approved, for a new Walgreen's Store. He stated that the existing structures would be demolished. He stated that they are the only owners of property on either side of this unopened and unimproved alley. He stated that they are willing to comply with the staff conditions and will provide for the utilities in the alley as needed. He stated that this request would allow for the extension of the existing commercial zoning in an area that is not appropriate for residential.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation or rezoning request.

#507

ORIGINAL ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 5730 So Anthony Bl & 1713 E Paulding Rd

Z-92-04-08

EFFECT OF PASSAGE Property is currently zoned R-3 - Multi-Family Residential. Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-3 - Multi-Family Residential.

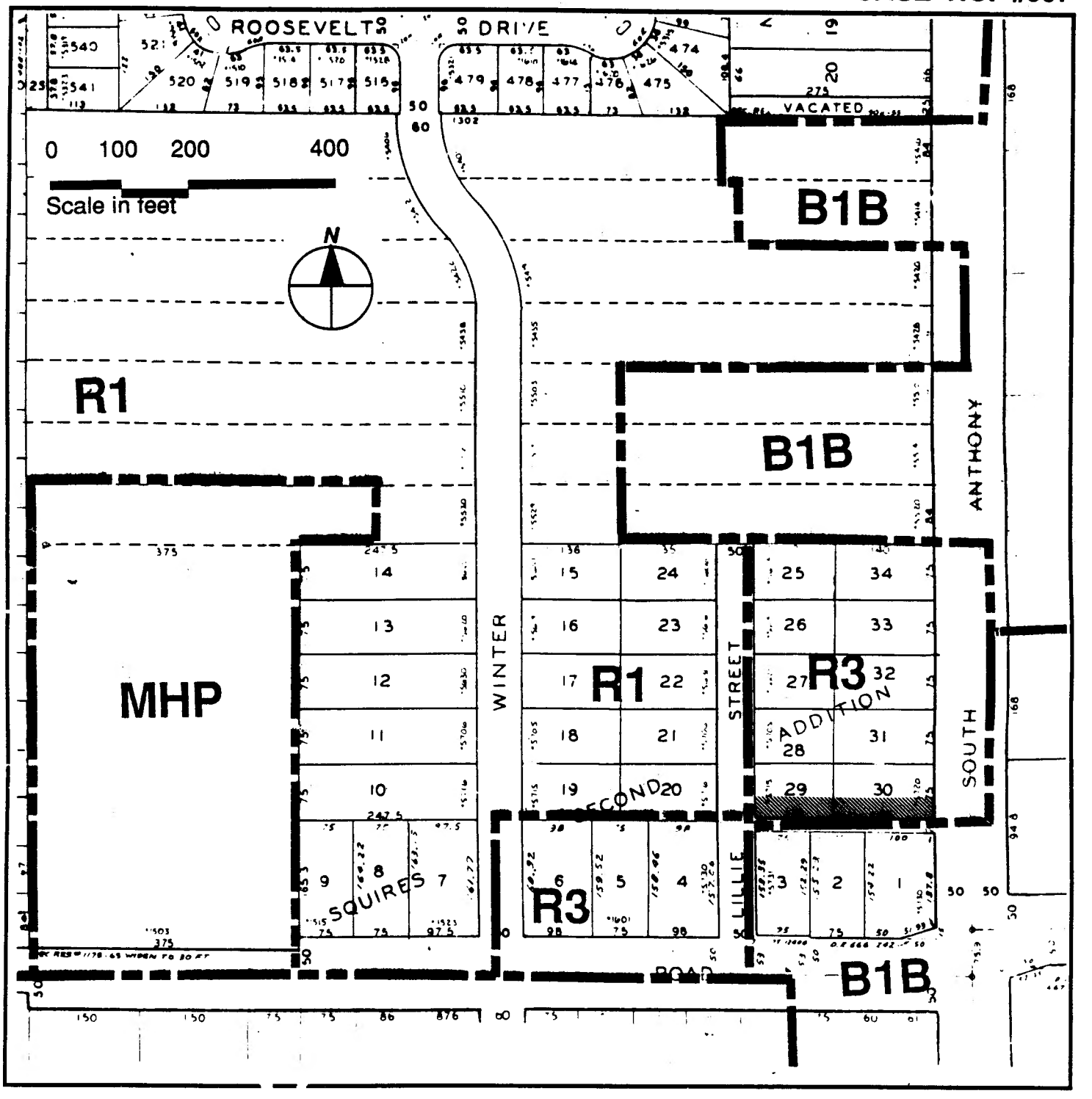
MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)

REZONING PETITION

AREA MAP

CASE NO. #507



COUNCILMANIC DISTRICT NO. **6**

Map No. O-19
LW 3-27-92

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

BILL NO. Z-92-04-08

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS, CHAIR
MARK E. GiaQUINTA, VICE CHAIR
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. 0-19

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO not PASS	DO ~~NOT~~ PASS	ABSTAIN	NO REC
	Cletus Edmonds		
	Mark E. Ravine		
	Thomas P. Henry		

DATED: 5-26-92.

Sandra E. Kennedy
City Clerk